

08-08-01

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ATTORNEY'S DOCKET NO.  
064731.0206

PATENT APPLICATION

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APPLICATION FOR U.S. PATENT UNDER 37 C.F.R. § 1.53(b)  
TRANSMITTAL FORM

Box Patent Application  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of:

Inventor or Application Identifier:  
David G. Way

Entitled: ***Tunable Channel Spacing for Wavelength Division Multiplexing  
(WDM) Transport System***

\_\_\_\_ Pursuant to 37 C.F.R. § 1.213(a), Applicant(s) respectfully requests that the above-identified patent application not be published under 37 U.S.C. § 122(b). Applicant(s) hereby certifies that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Enclosed are:

1. ☒ Specification, Claims and Abstract ( 39 Total Pages)
2. ☒ Drawing(s) ( 6 Total Sheet(s) of ☒ Formal ☐ Informal)
3. ☒ **Unexecuted** Combined Declaration and Power of Attorney ( 3 Total Pages)  
    ☐ Newly executed (original or copy)  
    ☐ Copy from a prior application  
    (for continuation/divisional only)
4. ☒ Certificate of Mailing by Express Mail- Receipt No. EL501019130US
5. ☒ Bibliographic Data Sheet (1 Total Page)
5. ☒ Return Receipt Postcard
6. The accompanying application is:  
    ☐ Original.  
    ☐ Continuation  
    ☐ Divisional  
    ☒ Continuation-In-Part (CIP)  
**Prior Application No. 09/633,005**  
**Filed: August 4, 2000**  
**Group Art Unit: 2733**

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PATENT APPLICATION

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Applicant is:

☒ Large Entity

☐ Small Entity

☐ Small Entity Statement enclosed

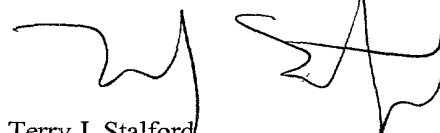
☐ Small Entity Statement filed in prior application.

Status still proper and desired.

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee
					\$ 710.00
Total Claims:	46	-20 =	26	X \$18 =	\$ 468.00
Independent Claims	12	- 3 =	9	X \$80 =	\$ 720.00
TOTAL FILING FEE =					\$1,898.00

☒ Enclosed is a check in the amount of \$1,898.00 to satisfy filing fee requirements under 37 C.F.R. § 1.16. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



Terry J. Stalford  
Reg. No. 39,522

Date: 8/6/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David G. Way  
Date Filed: August 6, 2001  
Title: TUNABLE CHANNEL SPACING FOR  
WAVELENGTH DIVISION MULTIPLEXING  
(WDM) TRANSPORT SYSTEM

**BOX PATENT APPLICATION**

Honorable Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Application Transmittal Form, Patent Application, six (6) sheets of Formal Drawings, unexecuted Declaration and Power of Attorney, firm check in the amount of \$1,898.00 to cover the application filing fee, and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 6th day of August, 2001 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
\_\_\_\_\_  
Willie Jiles

Express Mail Receipt  
No. EL501019130US  
Attorney's Docket: 064731.0206